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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Thomas E. Toner
Attn:	Dah Wei D. Yuan, Art Unit: 1745	Client:	1372.151.PRC
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-1295	Date:	July 5, 2007
Re:	USPN 10/709,173	CC:	University of South Florida (Assignee)

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Yuan:

In response to the non-final office action mailed June 5, 2007, we enclose the following:

- 1) Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated July 5, 2007 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated July 5, 2007 (2 pages).

Very respectfully,

Thomas E. Toner
Reg. No. 57,422

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002/004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/709,173 Confirmation No.: 3172
Applicant: : Robert Frederick Benson et al.
Filed: : 04/19/2004
Art Unit : 1745
Examiner : Dan Wei D. Yuan

Docket No. : 1372.151.PRC
Customer No. : 21,901
For : Aluminum Galvanic Cell

Transmitted to Central Fax at (571) 273-8300
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

STATUS

2. Applicants are independent inventors.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



SIGNATURE OF PRACTITIONER

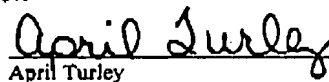
Thomas E. Toner
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Oldsmar, Florida 34677
(813) 925-8505

Reg. No.: 57,422
Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1745, Attn: Dah Wei D. Yuan, (571) 273-8300 on July 5, 2007.

Dated: July 5, 2007


April Turley

(Transmittal—page 1)

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Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed June 5, 2007, having a shortened statutory period for response set to expire July 5, 2007 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects, without traverse, to prosecute Group I, claims 1-17 and 39-42, drawing to an electrochemical cell comprising and aluminum anode spaced from an alkali metal peroxide cathode.